

## Commodity Credit Corporation, USDA

## § 1439.907

(3) Certify that purchased feed was or will be fed to the owner's eligible livestock.

### § 1439.906 Program availability.

(a) When a tribal government determines that a livestock feed emergency existed in calendar year 2003 or 2004 on tribal governed land due to a natural disaster, the tribal government may contact the applicable State FSA office to determine if their tribal governed land is located in a primary county or counties named in a Presidential declaration or Secretarial emergency designation made after January 1, 2003, with respect to losses in 2003 or 2004. After a Presidential or Secretarial emergency designation has been confirmed, the tribal government may submit a properly completed contract requesting approval of a region. All contracts requesting region approval must be submitted by the later of July 25, 2005, or 60 days after the end of the disaster period, whichever is later, as specified on the contract.

(b) Properly completed contracts shall consist of:

(1) A completed Contract to Participate form; and

(2) A completed Region Designation and Feed Loss Assessment form; and

(3) Supportive documentation as determined by CCC including, but not limited to:

(i) A map of the region delineated in accordance with § 1439.904;

(ii) Historical production data and estimated or actual production data for the disaster year; and

(iii) Climatological data provided by the State FSA office.

(c) The Deputy Administrator shall make a determination as to whether a livestock feed emergency existed not later than 30 days after receipt of a properly completed contract made in accordance with this subpart and shall notify the tribal government and FSA State office of such determination as applicable. Approvals will be made on the basis of a Presidential or Secretarial emergency designation for the primary county or counties named in the contract, and whether the requisite 35 percent loss on tribal governed land in that county or counties can be substantiated by supporting documenta-

tion, and other conditions as required by this subpart, other regulations, the Deputy Administrator, or CCC.

(d) The feeding period provided in the approved contract will be for a term not to exceed 90 days, except as provided in paragraph (e) of this section. The feeding period shall not be extended if the livestock feed emergency ceased to exist.

(e) The tribal government may request multiple feeding periods for up to three additional 90-day periods in a livestock feed crop year if disaster conditions did not diminish significantly and a livestock feed emergency continued and other conditions for payment are met.

(f) Tribal governments shall submit separate contracts for disasters occurring in both 2003 and 2004 calendar years; however, livestock owners shall elect only one of those years to receive benefits.

### § 1439.907 Eligibility.

(a) An eligible owner must own or jointly own the eligible livestock for which payments under this subpart are requested. Notwithstanding any other provision of this subpart, livestock leased under a contractual agreement that has been in effect at least 6 months prior to the beginning of the feeding period made under this subpart shall be considered as being owned by the lessee for that part of the feeding period in which the lease was in effect but only if the lease:

(1) Required the lessee for the full lease period to furnish the feed for such livestock; and

(2) Provided for a substantial interest, as determined by the Deputy Administrator, in such livestock in the lessee, such as the right to market a substantial share of the increase in weight of livestock.

(b) A State or non-tribal local government or subdivision thereof, or any individual or entity determined to be ineligible in accordance with § 1400.501 of this chapter are not eligible for benefits under this subpart.

(c) Any eligible owner of livestock, including the tribe, may file a CCC-approved AILFP payment application. When such a payment application is

## § 1439.908

## 7 CFR Ch. XIV (1–1–07 Edition)

filed, the owner and an authorized tribal government representative shall execute the certification contained on such payment application no later than the deadline established by CCC upon approval of the region.

(d) To be eligible for benefits under this subpart, livestock owners must own or lease tribal-governed land in the approved delineated region, and have had livestock on such land at the time of disaster that is the basis for the region's designation.

(e) Eligible livestock owners shall be responsible for providing information to the tribal government that accurately reflects livestock feed purchases for eligible livestock during the feeding period. False or inaccurate information may affect the owner's eligibility.

### § 1439.908 Payment application.

(a) Except as provided in paragraph (d) of this section, payment applications from interested eligible owners must be:

(1) Submitted to the FSA county office where the tribal-governed land is administered, or to the tribal government, by the owner no later than a date announced by the tribe, such date being no later than the applicable date established in §1439.907(c);

(2) Submitted by the tribal government to the office designated by CCC no later than a date announced by CCC;

(3) Accompanied by valid receipts substantiating purchase of eligible feed for assistance. Valid receipts must also be accompanied by the certification referenced in the AILFP Payment Application, (Form CCC-644 or any replacement form) and shall contain:

(i) The date of feed purchase, which must fall within the eligible feeding period as approved on the contract;

(ii) The names and addresses of the buyer and the vendor;

(iii) The type of feed purchased;

(iv) The quantity of the feed purchased;

(v) The cost of the feed; and

(vi) The vendor's signature if the vendor is not licensed to conduct this type of business transaction.

(b) The tribal government shall review each payment application, as specified by CCC, for completeness and accuracy. Except as provided in para-

graphs (c) and (d) of this section, the tribal government shall approve those eligible owners and applications meeting the requirements of this subpart.

(c) No approving tribal government member shall review and approve a payment application for any operation for which such member has a direct or indirect interest. Such payment application may be reviewed for approval by a member of the tribal government who is not related to the applicant by blood or marriage.

(d) Tribal governments do not have the authority to approve a payment application for any operation for which the tribe has a direct or indirect interest. Payment applications for tribal-owned livestock shall contain an original signature of a member of the tribal government, signing as representing all owners of the tribal-owned livestock, who possesses the authority to sign documents on behalf of the tribe and shall be submitted to an office designated by the Secretary for approval.

(e) No payment application shall be approved unless the owner meets all eligibility requirements. Information submitted by the owner and any other information, including knowledge of the tribal government concerning the owner's normal operations, shall be taken into consideration in making recommendations and approvals. If either the payment application is incomplete or information furnished by the owner is incomplete or ambiguous and sufficient information is not otherwise available with respect to the owner's farming operation in order to make a determination as to the owner's eligibility, the owner's payment application, as specified by CCC, shall be denied. The tribal government shall be responsible for notifying the owner of the reason for the denial and shall provide the owner an opportunity to submit additional information as requested.

(f) All payment applications, as specified by CCC, approved by the tribal government will be submitted to a designated FSA office for calculation of payment.

### § 1439.909 Payments.

(a) Provided all other eligibility requirements of this subpart are met, all